THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.19772 of 2005

18th September 2006

Between:

Government of India rep.by its Secretary, Department of Personnel & Training, North Block, New Delhi – 1.

...PETITIONER

AND

1. S.Narsing Rao, S/o.Late Shri Vittaiah, R/o.Rajadamnarn Nok Avenue, Bangkok 10200, Thailand.

And one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.19772 of 2005

ORDER: (Per the Hon'ble Mr Justice Ramesh Ranganathan)

Heard Sri A.Rajasekhar Reddy, the learned Assistant Solicitor General appearing on behalf of the petitioners and Sri B.Adinarayana Rao, learned counsel appearing on behalf of the respondent-applicant and at their request, the Writ Petition has been taken up for final disposal.

Aggrieved by the order of the Central Administrative Tribunal, Hyderabad ('the Tribunal' for brevity) dated 25.05.2005 in O.A.No.400 of 2005 whereby the petitioners herein were directed to reconsider and take a decision regarding allowing extension of deputation of the respondent-applicant beyond the maximum period of five years, based on the request made by the Regional Director, Asia & Pacific Region dated 09.05.2006 addressed to the Cabinet Secretary and keeping in view the precedents of the other officers who had been allowed deputation beyond five years as a special case, the present Writ Petition is filed.

Learned Assistant Solicitor General points out that, while the Tribunal had directed that the case of the respondent-applicant be considered for extension, the expression used in the order of the Tribunal, i.e., “the respondents have been left with no alternative but ultimately to ratify the overstay of the officer beyond the permitted period without inviting any disciplinary action in the matter”, would mean that the petitioners herein are bound to grant extension. Learned Assistant Solicitor General would submit that it is not for the Tribunal to issue a Mandamus in this regard, more so, as in the operative portion of the order, the petitioners herein were only directed to consider and take a decision on the respondent-applicant’s request for extension of deputation beyond the maximum five year period.

Sri B.Adinarayana Rao, learned counsel appearing for the respondent-applicant, submits that subsequent to the order of the Tribunal, the respondent-applicant has come back from his deputation and has reported for duty on 30.06.2005 and is presently posted as the Chairman and Managing Director of Singareni Collieries.

The order of the Tribunal, particularly the words used as extracted above, cannot be construed as a Mandamus directing the

petitioners herein to grant extension beyond the maximum period of deputation of five years. The petitioners herein shall consider regularization of the period spent by the respondent-applicant on deputation, beyond the five year period, keeping in view the precedents of the other officers who had been allowed such benefit earlier, without in any manner being influenced or bound by the observations made by the Tribunal in its order dated 25.05.2005. The order of the Tribunal is modified accordingly.

The Writ Petition is disposed of. However, in the circumstances, without costs.

_____

(B.PRAKASH RAO, J)

_____

(RAMESH RANGANATHAN, J)

18th September 2006
RRB